

HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DEVITTA BRISCOE, as executor of the Estate
of Che Andre Taylor; JOYCE DORSEY,
individually; CHE ANDRE TAYLOR JR.,
individually; SARAH SETTLES on behalf of
her minor child, [REDACTED]
[REDACTED]; and DEMEKA GREEN for the
Estate of Brenda Taylor,

Plaintiffs,

v.

CITY OF SEATTLE; MICHAEL
SPAULDING and "JANE DOE"
SPAULDING, and their marital community
composed thereof; SCOTT MILLER and
"JANE DOE" MILLER, and their marital
community composed thereof,

Defendants.

NO. 2:18-cv-00262-TSZ

STIPULATION TO PETITION FOR
APPROVAL OF SETTLEMENT TO
PLAINTIFFS

Noted for Consideration:

N/A

By and through their respective counsel, the parties stipulate to the reasonableness of the
settlement and distribution of proceeds. As a result, the parties petition this Court for approval of
the settlement pursuant to Local Civil Rule 17 (c).

MOTION

On December 4, 2020, the parties to this lawsuit reached a mediated settlement agreement. In exchange for total payment of One Million Five Hundred Thousand dollars (\$1,500,000.00 (USD)), Plaintiffs Devitta Briscoe, as Executor of the Estate of Che Andre Taylor; Joyce Dorsey; Che Andre Taylor, Jr.; and Sarah Settles on behalf of her minor child, C.M.T agreed to dismiss all claims and causes of action with prejudice as a matter of law. Plaintiffs shall not appeal any claims or parties dismissed by this Court in its orders on Defendants' motions to dismiss or Defendants' motion for summary judgment, including all claims brought by Demeka Green as Executor of the estate of Brenda Taylor. The parties further agree that each side shall bear its own costs and attorneys' fees in this matter.

In accordance with the terms of the settlement, Plaintiff Joyce Taylor shall receive payment of Five Hundred Thousand Dollars (\$500,000.00 (USD), less attorney's fees and expenses; Plaintiff Devitta Briscoe as Executor of the Estate of Che Andre Taylor shall receive payment of One Million Dollars (\$1,000,000.00 (USD)), less attorney's fees and expenses. The heirs of the Estate of Che Andre Taylor: Che Andre Taylor, Jr. and minor Plaintiff C.M.T., shall share equally 50/50. Plaintiffs seek 67% of C.M.T.'s share to be held in trust for minor Plaintiff C.M.T. and the remaining 33% of C.M.T.'s share be held in a blocked account for minor Plaintiff C.M.T. until she turns 18, which will be administered by the King County Superior Court.

Pursuant to the fee agreement, the attorneys were to receive 40% of any settlement or award of this litigation plus costs. Current total costs in this case are \$19,348.00. Costs would be divided equally between the plaintiffs. As a result, it is anticipated that each plaintiff would receive \$293,554 (minus the costs of the Guardian Ad litem). The creation of a trust may have its own

1 independent impact on the net amount that the minor plaintiff may receive.

2 The case involved the settlement of federal and state claims. The GAL has indicated to
3 Plaintiff's counsel approval of the equal distribution to all Plaintiffs.

4 ANALYSIS

5 Local Rule 17(c) provides that "[i]n every case where the court is requested to approve a
6 settlement involving the claim of a minor or incompetent, an independent guardian ad litem, who
7 shall be an attorney-at-law, *must* be appointed by the court," to "investigate the adequacy of the
8 offered settlement and report thereon." LCR 17(c).

9 "District courts have a special duty, derived from Federal Rule of Civil Procedure 17(c),
10 to safeguard the interests of litigants who are minors." *Robidoux v. Rosengren*, 638 F.3d 1177,
11 1181 (9th Cir. 2011). "In the context of proposed settlements in suits involving minor plaintiffs,
12 this special duty requires a district court to 'conduct its own inquiry to determine whether the
13 settlement serves the best interests of the minor.'" *Id.* (quoting *Dacanay v. Mendoza*, 573 F.2d
14 1075, 1080 (9th Cir. 1978)); *see also Salmeron v. United States*, 724 F.2d 1357, 1363 (9th Cir.
15 1983) ("a court must independently investigate and evaluate any compromise or settlement of a
16 minor's claims to assure itself that the minor's interests are protected, even if the settlement has
17 been recommended or negotiated by the minor's parent or guardian ad litem").

18 The Ninth Circuit in *Robidoux* provided guidance to a district court considering whether
19 to approve a proposed settlement of federal claims involving minors – this includes considering
20 whether the settlement is fair and reasonable in light of the facts and specific claims at issue and
21 recoveries in similar cases, but without regard to the fee the adult plaintiffs agreed to pay
plaintiff's counsel. *Id.* at 1181-82. The *Robidoux* court, however, expressly limited its ruling to a

1 district court's evaluation of a settlement involving a minor's federal claims. *Id.* at 1179 n.2

2 The Parties' move this Court for an order approving the settlement distribution to
3 Plaintiffs and to determine whether the settlement is fair and reasonable in light of the facts and
4 specific claims at issue in this case to C.M.T., a minor.

5 Parties in accordance with LCR 17(c), request this Court approve the settlement amount
6 and settlement payable to Estate in the amount of One Million Dollars (\$1,000,000.00 (USD))
7 and the beneficiaries of the estate shall be split equally, \$500,000.00, to both Che Taylor Jr. and
8 his sister, minor C.M.T., less attorney's fees and expenses. Parties request this approve the
9 settlement amount and settlement payment to minor C.M.T. through the Estate is reasonable and
10 fair as it is an equal distribution to all heirs. All plaintiffs shall receive the same equal portion of
11 \$500,000.00 less attorney's fees and expenses.

12 13 **PROPOSED ORDER**

14 This matter, having come on duly and regularly before the undersigned Judge of the above-
15 entitled Court, and the parties having stipulated here, and the Court being fully advised in the
16 premises, it is hereby ORDERED, ADJUDGED, AND DECREED as follows:

- 17 1. In accordance with LCR 17(c), the Court reviews the settlement to Plaintiffs, Estate
18 of Che Andre Taylor and Joyce Taylor in the amount of \$1,500,000.00. Plaintiffs
19 will each pay \$200,000.00 each for attorney's fees. The Estate of Che Andre Taylor
20 will receive One Million dollars (\$1,000,000.00 (USD)) less attorney's fees of Four
21 Hundred Thousand Dollars (\$400,000.00 (USD)) and expenses of Twelve Thousand
Eight Hundred Ninety Dollars and Sixty-Six Cents (\$12,890.66 (USD)) to fund the

Estate and the heirs of the Estate shall share equally 50/50. The settlement amount and settlement payable to the Estate of Che Andre Taylor and minor C.M.T. is fair and reasonable under Local Rule 17(c).

2. Joyce Taylor shall receive Five Hundred Thousand dollars (\$500,000.00 (USD)) less attorney's fees of Two Hundred Thousand Dollars (\$200,000.00 (USD)) and expenses of Six Thousand Four Hundred Forty-Five Dollars and Thirty-Three cents (\$6,445.33 (USD)).

DONE this _____ day of _____, 2021.

THE HONORABLE THOMAS S. ZILLY

Presented by:

VALDEZ LEHMAN, PLLC

By /s/ Jesse Valdez
Jesse Valdez, WSBA #35378
14205 SE 36th St., Suite 100
Bellevue, WA 98006
Phone: 425-458-4415
Email: jesse@valdezlehman.com
Attorney for Plaintiffs

JAMES BIBLE LAW GROUP PLLC

By /s/ James Bible
James Bible, WSBA #33985
142505 SE 36th St., Suite 100
Bellevue, WA 98006
Phone: 425-519-3675
Email: James@biblelawgroup.com
Attorney for Plaintiffs

STIPULATION FOR APPROVAL OF
SETTLEMENT TO PLAINTIFFS. - 5
(2:18-cv-00262-TSZ)

VALDEZ LEHMAN, PLLC
14205 SE 36TH ST., SUITE 100
BELLEVUE, WA 98006
425-458-4415

1
2
3
4
5 CHRISTIE LAW GROUP, PLLC
6

7 By /s/ Thomas P. Miller
THOMAS P. MILLER, WSBA #34473
8 2100 Westlake Avenue N., Suite 206
Seattle, WA 98109
9 Phone: 206-957-9669
Email: tom@christielawgroup.com
10 Attorney for Defendants

11 PETER S. HOLMES
Seattle City Attorney
12

13 By /s/ Ghazal Sharifi
GHAZAL SHARIFI, WSBA #47750
14 SUSAN PARK, WSBA #53857
Assistant City Attorneys
15 701 Fifth Avenue, Suite 2050
Seattle, WA 98104-7095
16 Email: Ghazal.Sharifi@seattle.gov
Email: Susan.Park@seattle.gov
17 Attorneys for Defendants
18
19
20
21